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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the twenty-sixth report of the International Labour Organization under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX).

[18 October 1999]

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Twenty-sixth report of the International Labour Organization under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX)

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Introduction

1. The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office[1] to give effect to resolution 1988 (LX) of 11 May 1976 of the Economic and Social Council requesting specialized agencies to submit reports in accordance with article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

2. This report will follow the approach adopted since 1985, and will contain in part I indications concerning the principal ILO conventions relevant to articles 6 to 10 and 13 of the Covenant; and in part II indications concerning ratification of these conventions and comments made by ILO supervisory bodies with regard to the application of these conventions by the States concerned (insofar as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the ILO Governing Body following examination of complaints alleging violation of trade union rights. Given the increased recourse to the joint ILO/UNESCO allegations procedure concerning teaching personnel, information on cases examined there are added under article 13 of the Covenant, when relevant to the country reports being examined.[2]

3. The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States parties to the Covenant and of ILO reports containing information concerning them will be found in the annex.

I. PRINCIPAL ILO CONVENTIONS RELEVANT TO ARTICLES 6 TO 10 AND 13 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

4. The following is a list of the principal ILO conventions relevant to articles 6 to 10 and 13 of the Covenant.[3] Indications on the ratification of these conventions by each State concerned are given in part II.

Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
Forced Labour Convention, 1930 (No. 29)
Fee-Charging Employment Agencies Convention, 1933 (No. 34)
Employment Service Convention, 1948 (No. 88)
Fee-Charging Employment Agencies Convention, 1949 (No. 96)
Abolition of Forced Labour Convention, 1957 (No. 105)
Indigenous and Tribal Populations Convention, 1957 (No. 107)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
Employment Policy Convention, 1964 (No. 122)
Paid Educational Leave Convention, 1974 (No. 140)
Human Resources Development Convention, 1975 (No. 142)
Workers with Family Responsibilities Convention, 1981 (No. 156)
Termination of Employment Convention, 1982 (No. 158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168), Part II.
Indigenous and Tribal Peoples Convention, 1989 (No. 169)
Worst Forms of Child Labour Convention, 1999 (No. 182)

Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Machinery Convention, 1970 (No. 131)

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)

Protection Against Accidents (Dockers) Convention, 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)
Labour Inspection (Seafarers) Convention, 1996 (No. 178)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
Forty-Hour Week Convention, 1935 (No. 47)
Holidays with Pay Convention, 1936 (No. 52)
Holidays with Pay (Agriculture) Convention, 1957 (No. 101)
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)
Part-time Work Convention, 1994 (No. 175)
Homework Convention, 1996 (No. 177)
Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organizations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivor's Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivor's Insurance (Agriculture) Convention, 1933 (No. 40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Injury Benefits Convention, 1964 (No. 121)
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
Medical Care and Sickness Benefits Convention, 1969 (No. 130)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Sea) Convention, 1920 (No. 7)
Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Fisherman) Convention, 1959 (No. 112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Minimum Age Convention, 1973 (No. 138)

Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work (Bakeries) Convention, 1925 (No. 20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
White Lead (Painting) Convention, 1921 (No. 13) (Article 3)
Radiation Protection Convention, 1960 (No. 115) (Article 7)
Maximum Weight Convention, 1967 (No. 127) (Article 7)
Benzene Convention, 1971 (No. 136) (Article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

Article 13 of the Covenant

Human Resources Development Convention, 1975 (No. 142)

Reference is also made, when appropriate, to the ILO/UNESCO joint recommendation concerning the status of teachers, 1966, and to the work of the joint ILO/UNESCO committee, which supervises its application.

II. INDICATIONS CONCERNING THE SITUATION OF INDIVIDUAL COUNTRIES

5. For each article of the Covenant under consideration, these indications show the state of the ratification of the corresponding conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these conventions. Full copies of the comments of the Committee of Experts are appended (in English, French and Spanish),[4] and should be consulted for further details.

6. The absence of any such reference signifies either that there are no comments at the present time regarding the application of a particular convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the Government's reply concerning the application of a convention on which comments had been made has not yet been examined by the Committee of Experts.

7. When references are made to the "observations" of the Committee of Experts, this refers to texts published in the report of the Committee for the year indicated (Report III (Part 1A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the Governments in question; such comments are not published but the text is made available to interested parties.

8. Finally, it should be noted that, exceptionally, two sessions of the Committee of Experts were held in 1995, in March and in November-December. Indications are given in the text as to which of the two sessions is concerned, if relevant.

ARGENTINA

9. Information concerning Argentina has been supplied on several occasions, most recently in November 1995.

10. The following relevant conventions have been ratified and are in force for Argentina (for full names see the list of conventions in part I above): 1, 2, 3, 6, 11, 12, 13, 14, 16, 17, 18, 19, 26, 27, 29, 30, 32, 35, 36, 42, 52, 73, 77, 78, 79, 81, 87, 88, 90, 96, 98, 100, 105, 107, 111, 115, 124, 129, 138, 142, 151, 154, 156, 159.

Article 6

11. In its 1998 observation regarding the Employment Service Convention No. 88, the Committee noted that the National Employment Service has been transformed into a public employment agency (APC) and in 1996 the Programme Management Coordination Unit was established with the function of coordinating the operation of labour and employment training programmes of the Secretariat of Employment and Vocational Training. The Committee expressed its trust that the Government would continue to discharge the essential duty of the employment service, with a view to the best possible organization of the employment market, and would review it to meet the new requirements of the economy and the active population (articles 1 and 3 of the Convention). Also, the Committee requested the Government to provide, in its next report, statistical information available concerning the number of public employment offices established, the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by such offices.

12. Regarding articles 4 and 5 of the Convention, the Government stated that measures had not been adopted for the establishment or functioning of advisory committees as required by the Convention. The Committee trusted that the Government would be able to indicate in its next report that the committees are operational so as to give full effect to these provisions of the Convention, which provide for the cooperation of representatives of employers and workers through advisory committees in the organization and operation of the employment service and in the development of employment service policy.

13. In its 1998 observation regarding the Indigenous and Tribal Populations Convention No. 107, the Committee noted the allegations made by the Educational Workers Association of Neuquén (ATEN), indicating that the Government had not respected the assurances given to return the territory of Pulmarí to the indigenous Mapuche community. The Government had, on the contrary, proceeded to create, by virtue of Decree No. 1410 of 1987, the Pulmarí Interstate Corporation (CIP), whose objective is the social and economic development of the area and the indigenous communities. Moreover, ATEN alleged that the six Mapuche communities are represented in the CIP administration by only one person who is appointed by governmental

decree. The Mapuche community had denounced the prevailing corruption within CIP, the absence of dialogue with the responsible authorities and CIP's petition to the courts requesting the eviction of the Mapuche community from lands recovered.

14. The Committee noted the detailed information provided by the Government in its report with regard to the problems of the Mapuche community in Pulmarí and that it had completed an exhaustive audit of CIP. The Committee also noted the establishment of an arbitration committee to resolve the land dispute between CIP and the indigenous communities. The results obtained by this arbitration committee include the recognition of the six Mapuche communities who possess the land titles to the Pulmarí territory, the recognition by CIP of a representative from the indigenous community and the reorganization of CIP's administration. A technical study had also been recommended to determine the fodder capacity of the lands awarded to the indigenous communities in Pulmarí. Also the National Institute of Indigenous Communities (INAI) had allocated a subsidy to the most affected communities to purchase fodder.

15. The Committee noted that the Government is searching for solutions to the problems that the various Mapuche communities are experiencing in the Province of Neuquén. The Committee recalled that article 6 of the Convention provides that special projects for economic development of the regions inhabited by indigenous peoples shall be so designed to promote the improvement of conditions of life of the indigenous populations. Moreover, the lack of supervision of lands traditionally occupied by the Mapuche communities and the natural resources as well as the lack of influence over the administration of development projects executed on these lands is a grave problem. In particular, this lack of supervision is threatening the survival of the Mapuche communities in Pulmarí and is contrary to the spirit of the Convention. The Committee therefore requested the Government to enter into direct consultation with the communities affected by the dispute with CIP and to provide further information.

16. The Committee also noted information provided by the Government to the effect that the National Congress authorized the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Act No. 24071 of 24 March 1992) and a second round of consultations has been concluded between the respective ministries, formed as a result of the constitutional reforms of 1994. The Committee requested the Government to inform it of any developments in this regard.

17. The Committee noted the amendment to article 67 (15) of the National Constitution of 11 August 1994, which recognizes the ethnic and cultural pre-existence and other rights of the indigenous peoples of Argentina.

18. In its 1997 observation regarding the Discrimination (Employment and Occupation) Convention No. 111, the Committee noted with interest that in March 1997 the National Executive sent to the National Congress a bill on employment in the public administration designed to replace Act No. 22140 and which excluded the provisions criticized by the Committee, namely sections 8 (g) and 33 (g) (which provide that entry into the national public administration may be refused and public servants may be dismissed for belonging or having belonged to groups advocating the denial of the principles of the Constitution or for adhering

personally to a doctrine of this nature). The Committee requested the Government to keep it informed of the progress in the National Congress of the bill on employment in the public administration.

19. In a 1998 request addressed directly to the Government concerning the Forced Labour Convention, No. 29 the Committee noted a National Policy Steering Plan which referred to a preliminary law on training and work in prisons. It drew the Government's attention to the guarantees that need to exist to be compatible with the Convention. In addition, the Committee also made reference to a proposal by the Government to amend the National Prisons Act and expressed its hope that the Government would be able to indicate in its next report positive developments with regard to the adoption of legislation taking into account the principles contained in article 1, paragraph 1, and article 2, paragraphs 1 and 2 (c), of the Convention.

Article 7

Remuneration

20. In its 1998 observation regarding the Minimum Wage-Fixing Machinery Convention No. 26, the Committee noted the detailed information provided by the Government in reply to its previous comments, and the comments made by the United Maritime Workers Trade Union (SOMU) concerning the failure to comply with the provisions of the Convention with regard to fishing workers. Taking into account the fact that the minimum wage can be fixed by collective agreement, SOMU requested the Ministry of Labour to convene the employer's representatives to collective negotiations with the principal objective of adjusting the current basic wage rates for fishing workers which were, according to SOMU, well below the parameters established by the National Council for Employment, Productivity and the Minimum Adjustable Living Wage. The Government's report does not reply to the comments made by the SOMU; therefore, the Committee requested it to supply information on the measures which have been adopted or are envisaged to give effect to the request of the SOMU and thereby guarantee the payment of the minimum wage to fishing workers.

Safe and healthy working conditions

21. In its 1998 observation regarding the Protection Against Accidents (Dockers) Convention No. 32, the Government's report made reference to the provisions of Act No. 19857 respecting health and safety at work and Regulation No. 351/79, as well as Act No. 24557 respecting danger in the workplace. The Government also stated that there are no specific standards concerning activities in ports. Under these circumstances, the Committee requested the Government to provide more detailed information on the application of particular provisions of the Convention.

22. The Committee also requested information on the measures taken to resolve the issues raised by the Union of Maritime Workers of Argentina to the National Department of Health and Safety at Work in respect of accidents, which had occurred in the ports of Argentina.

23. The Committee recalled to the Government the request formulated by the Governing Body to member States to examine the proposal to ratify the Occupational Safety and Health (Dock Work) Convention, 1979, (No. 152), whose ratification implies, ipso jure, the immediate denunciation of the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32).

Rest, limitation of working hours and holidays with pay

24. In its 1998 observation regarding the Hours of Work (Industry) Convention No. 1, the Committee noted a reply of the Government to a 1993 communication from the Congress of Argentine Workers (CAT) alleging that draft legislation provided for daily working hours, which could reach a maximum of 10 hours. The Government stated that no draft legislation provides for changes in the current legal provisions concerning working hours contained in Act No. 11.544 and Decree No. 13.943/44. The Committee requested the Government to indicate whether the Superintendency of Work-related Risks is competent to deal with complaints of the nature of the one submitted in August 1995 by the Single Trade Union of Argentine Dock Workers (SUPA) to the General Directorate of Occupational Safety and Health concerning the fact that daily working hours in the port sector could sometimes exceed 12 continuous hours, and to supply any texts governing its activities and competence.

25. The Committee noted the information to the effect that the current working hours arrangements in the port sector are established by the Decree governing hours of work for loading operations in the Port of Buenos Aires (No. 6284 of 3 June 1960), which was extended to all national ports under the terms of Decree No. 3457 of 18 November 1966. It requested the Government to indicate the consequences on the above arrangements of the adoption of the Act respecting port activities (No. 24093 of 24 June 1992). Finally, it requested the Government to indicate whether effect is given to sections 17 and 18 of the Decree respecting the deregulation of the economy (No. 2364 of 31 October 1991) and, where appropriate, to indicate the impact of the implementation of the above provisions on working hours arrangements in the above sectors.

Article 8

26. In its 1998 observation concerning the Freedom of Association and Protection of the Right to Organize Convention No. 87, the Committee noted the information provided by the Government to the 1998 International Labour Conference as well as the supplementary information subsequently provided by the Government. The Committee also noted the detailed information provided by the Government during the Conference with regard to the provisions of Act No. 23.551 respecting trade union associations, which take into account the Committee's comments, as well as the statistical data and information covering trade union activities in Argentina in the decade which has elapsed since the above Act came into force.

27. The Committee expressed concern over section 28 of the Act, which requires the petitioning association, in order to contest the trade union status of an association, to have a "considerably higher" number of members; also to sections 29, 30, 38, 39, 48 and 52. It also had made comments concerning section 21 of implementing Decree No. 467/88, which qualifies the term "considerably higher" by laying down that the association claiming trade union status should have at least 10 per cent more dues-paying members than the petitioning association.

28. The Committee emphasized, in respect of comments made by the Government in its report, that it has not criticized provisions of Act No. 23.551, guaranteeing the right to freely organize and register trade unions and for trade unions to acquire legal personality, but the requirements to acquire trade union status and the privileges, which organizations with trade union status enjoy. Similarly, the Committee stated that, in general terms, it is not opposed to the most representative trade union organizations acquiring "trade union status", nor to these organizations enjoying certain privileges arising from their status of the most representative organization. The Committee then recalled the freedom of association principles on the determination of the most representative trade union and privileges derived from trade union status, applying them to the national situation.

29. The Committee considered that the requirement of a "considerably higher" number of members constitutes a practical difficulty for associations to acquire trade union status. It noted that of the 2,776 trade unions registered, 1, 317 enjoy trade union status and in the last decade only 130 new trade unions with trade union status and 915 associations have been registered.

30. The Committee noted with interest the Government's request for ILO technical assistance within the framework of the application of Convention No. 87 and the willingness of the Government to reach an understanding taking into consideration the issues raised by the Committee. In this context, it announced that a decree implementing Act No. 23.551 had been drafted, to be signed by the President, taking into consideration the comments of the Committee, which will be forwarded to the Office in due course. The Committee also noted with interest that the Government has set up a working group responsible for analysing the provisions that have been criticized by the Committee which raise particularly complex legal and political concerns; the Government expressed its hope that it can count on the technical assistance of the ILO to assist in this task.

31. In its 1997 observation concerning the Right to Organize and Collective Bargaining Convention No. 98, the Committee noted the Government's report and the observations made by the Union of United Maritime Workers (SOMU) on 20 November 1996 and 6 January 1997, and by the Bank Association (AB) on 20 November 1996. Similarly, the Committee noted that in December 1996, Decrees Nos. 1553/96 and 1554/96 on collective labour agreements were issued. Regarding article 1 of the Convention, the Committee observed that the Bank Association stated that the Government is not complying with the provisions of Act No. 23523 of 28 September 1988 which grant preferential treatment for admission to previous employment for bank workers who were dismissed on political or trade union grounds between 1 January 1959 and 10 December 1983. The Committee recalled that the Committee on Freedom of Association had already taken a decision on this matter in March 1997 in which it requested the Government to continue to make all efforts to find a negotiated solution as quickly as possible.

32. Regarding the legal provisions establishing the need of official approval for the validity of a collective agreement which go beyond the enterprise level, the Committee noted that the Government stated that the influence of the State, through the granting of approval, has been significantly reduced as a result of the increase in collective bargaining at enterprise level, and that Decree No. 1334/91 which links wage negotiation to an increase in productivity is virtually

revoked by Decree No. 470/93 for a wide range of conventional activities. In these circumstances, the Committee hoped that the draft reform on collective bargaining to which the Government refers would eliminate the aforementioned provisions.

33. The Committee observed the issuing of Decree No. 1553/96 in December 1996 that authorized the Ministry of Labour and Social Security to revoke, in part or in whole, the official approval of a collective agreement if the provisions thereof conflict with the legal rules issued after approval has been granted. The Committee considered that this Decree confirms and expands the intervention of administrative authorities in collective bargaining, which had already been criticized. Furthermore, the Committee observed that in December 1996, Decree No. 1554/96 was also issued which provides that in cases where parties do not reach agreement on the sectors to be covered by negotiations of a collective agreement, this shall be decided by the Ministry of Labour.

34. The Committee noted that in its report the Government stated that the General Confederation of Workers (CGT) [as part of a complaint made to the Committee on Freedom of Association on the same question (Case No. 1887)] and the Ministry of Labour and Social Security have requested that the legal proceedings be suspended for a period of 120 days, a request which has been accepted by the judicial authority; it also noted that the Decrees had not been applied. A decision was expected from the Supreme Court of Justice on the constitutionality of certain provisions of the Decrees. The Committee requested the Government to take measures to amend the legislation in order to bring it into full conformity with *article 4 of the Convention*.

35. In its 1998 observation concerning the Collective Bargaining Convention No. 154, the Committee took note of the comments of the Union of Press Workers of Buenos Aires (UTPBA) concerning the repeal on 16 June 1998 of the Conditions of Service of professional journalists and of the Conditions of Service of administrative employees of newspaper companies and requested comments from the Government. The Committee also took note of the recently adopted Act No. 25013 establishing amendments to certain provisions governing employment contracts and to certain laws and current rules governing collective labour agreements and considered that some of these provisions may present problems in relation to the conventions ratified by Argentina and proposed to examine them in greater depth as part of its examination of the application of Convention No. 98 within the regular reporting cycle.

Article 9

36. In its 1997 observation concerning the Workmen's Compensation (Occupational Diseases) (Revised) Convention No. 42, the Committee noted the adoption of Act No. 24.557 of 1995 on occupational risks. It noted with satisfaction that under section 6 of the Act, the diseases included in the list of occupational diseases which is formulated and revised annually by the executive authority are considered to be occupational diseases. In this respect, the Committee noted the adoption of Decree No. 658/96 which contains a list of occupational diseases identifying the various risk-producing substances and setting forth for each of them the activities likely to involve exposure to them.

Article 10

(a) Maternity protection (re paragraph 2)

37. In its 1998 observation concerning the Maternity Protection Convention No. 3, with regard to article 3 (c) of the Convention, the Committee noted with interest the adoption in 1996 of Act No. 24.714 concerning the family benefits scheme which, under the terms of section 11, reduced the length of service required as a condition for entitlement to cash benefits during maternity leave from six to three months. The Committee reiterated its request to the Government to indicate whether women workers who do not meet this condition are entitled to cash benefits from public funds or under a public assistance scheme. The Committee also requested the Government to continue to provide information on any new measures taken to ensure that all women workers covered by the Convention are entitled to cash benefits during their maternity leave, in accordance with this provision.

38. The Committee of Experts furthermore addressed direct requests to the Government in 1997 on Conventions Nos. 42, 87, 107, 115 and 154 and in 1998 on Conventions Nos. 3, 26, 29, 87 and 107.

ARMENIA

39. Armenia joined the ILO in 1992. Information concerning Armenia has not been supplied previously to the Committee.

40. The following relevant conventions have been ratified and are in force for Armenia (for full names see the list of conventions in part I above): 100, 111, 122, 135 and 174. Armenia also ratified Convention No. 176 on 27 April 1999. It will enter into force one year after ratification.

41. Armenia has not sent reports to the ILO for the past two years for any of the ratified conventions.

BULGARIA

42. Information concerning Bulgaria has been supplied on several occasions, most recently in 1998.

43. The following relevant conventions have been ratified and are in force for Bulgaria (for full names see the list of conventions in part I above): 1, 3, 6, 11, 12, 13, 14, 16, 17, 18, 19, 20, 24, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38, 39, 40, 42, 44, 52, 62, 73, 77, 78, 79, 81, 87, 98, 100, 106, 111, 113, 120, 124, 127 and 138.[5]

Article 8

44. In its 1998 observation on the Freedom of Association and Protection of the Right to Organise Convention No. 87, the Committee requested the Government to take the necessary measures to amend section 11(2) of the Collective Labour Disputes Act of 1990 regarding the

settlement of collective labour disputes in order to bring it into closer conformity with the principles of freedom of association expressed in the Convention. Section 11 (2) of the Act provides that a decision to call a strike must be taken by a majority of all the workers in the respective enterprise or unit. In this regard, the Committee recalled once again that it considers that account should only be taken of the votes cast and that the required quorum and majority should be fixed at a reasonable level.

45. With respect to workers in the health, electricity and communications sectors that are forbidden to go on strike under section 16(4) of the Collective Labour Disputes Act of 1990, the Committee noted the Government's statement that, if the demands of these workers are not met, they may go on strike by wearing or placing suitable signs or symbols, but that they may not leave work and must continue working. In this regard, the Committee recalled the need to ensure that these workers should enjoy compensatory guarantees to protect their social, economic and professional interests, such as the adoption of conciliation and mediation procedures that would, in the event of deadlock, lead to the use of reliable and rapid binding arbitration procedures.

Article 10

(a) Maternity Protection (re paragraph 2)

46. In its 1998 observation on the Maternity Protection Convention No. 3, the Committee repeated its earlier comments that section 333 of the Bulgarian Labour Code did not expressly prohibit an employer from giving a woman notice of dismissal during her maternity leave or at a time such that the period of notice would expire during her absence from work, as called for under article 4 of the Convention. The Committee noted that, under paragraph 1, subparagraphs 1 and 4 of section 333 of the Labour Code, the employer can dismiss a pregnant worker or the mother of a child below the age of three months, or any worker on authorized leave, after obtaining "the prior agreement of the labour inspectorate". It further noted that prior agreement is required only in the specified cases listed in sections 328 and 340 of the Labour Code. The Committee expressed its hope that the Government would be able to re-examine this issue and take the necessary measures to bring its national legislation into alignment with *article 4 of the Convention*.

47. The Committee of Experts furthermore addressed direct requests to the Government in 1997 on Conventions Nos. 87, 100, 111 and 138 and in 1998 on Conventions Nos. 26, 27, 29, 34, 100 and 120.

CAMEROON

48. Information concerning Cameroon was last supplied in 1988.

49. The following relevant conventions have been ratified and are in force for Cameroon (for full names see the list of conventions in part I above): 3, 5, 10, 11, 13, 14, 15, 16, 19, 26, 29, 33, 77, 78, 81, 87, 90, 98, 99, 100, 105, 106, 111, 122, 123, 131, 132, 135, 158, 162.

Article 6

50. In its 1998 observation concerning the Forced Labour Convention No. 29, the Committee recalled that for more than 20 years it has been drawing the Government's attention to the provisions of Act No. 73-4 of 9 July 1973 instituting the National Civic Service for Participation in Development which allows the imposition of work in the general interest on citizens aged between 16 and 55 years for a period of 24 months under menace of imprisonment for two to three years in the event of refusal. In the light of the explanations given in paragraph 52 of the General Survey of 1979 on the abolition of forced labour, the Committee requested the Government to take the necessary legislative or regulatory measures to enforce the principle that only volunteers should perform civic service.

51. The Committee noted with interest the dissolution of the National Office of Participation in Development (ONPD) by Decree No. 90/843 of 4 May 1990, and the statements made by a Government representative to the 1990 Conference according to which Act No. 73-4 was being amended. In its reports of 1994 and 1996, the Government stated that the legislation in question had not yet been repealed.

52. The Committee drew the Government's attention to the fact that repeal or amendment of the 1973 Act is still necessary to bring legislation into line with practice and to give full effect to the Convention. It therefore expressed the strong hope that the Government would take the necessary measures to bring its legislation into conformity with the provisions of the Convention and that it would provide information on any progress made in this regard.

53. The Committee noted that, under the terms of section 2, paragraph 5 (b), of Act No. 92/007 of 14 August 1992 promulgating the new Labour Code, the term "forced or compulsory labour" did not cover any work or service of general interest which forms part of the civic obligations of the citizens as defined in laws and regulations. The Committee requested the Government to provide a copy of the provisions which define citizens' civic obligations.

54. The Committee had for many years referred to the provisions of Decree No. 73-774 of 11 December 1973, concerning the prison regime which permits the transfer of prison labour to private enterprises and individuals, and had requested the Government to take steps to prohibit this practice. In its reports, the Government indicated that, in practice, no such hiring of prison labour to individuals or private companies was possible without the prior consent of the prisoners themselves. The Committee also noted the statement by the Government representative to the 1990 Conference, which drew attention to measures adopted by the Ministry of Territorial Administration to prevent prison labour from being hired to or placed at the disposal of private individuals or companies. It expressed the hope that the Government would provide information on the measures that had been adopted in this regard.

55. In its 1998 observation concerning the Abolition of Forced Labour Convention No. 105, referring to *article 1 (a) of the Convention*, the Committee took note of the Government's brief reply to its last observation which raised concerns on sections 111, 113, 116, 154 and 157 of the Penal Code, and Act No. 90-53 relating to freedom of association: those provisions define offences connected with the expression of political views or views ideologically opposed to the established political, social or economic system, and under sections 18 and 24 of the Penal Code

that may give rise to sentences of imprisonment with compulsory labour. The Committee noted the Government's indication that there has been no use of forced labour for the expression of ideological opposition to the political system, and that many political parties now operate in Cameroon. It nevertheless made reference to the explanations in paragraphs 102 to 109 of the General Survey of 1979 on the abolition of forced labour, as to the incompatibility with the Convention which results from these provisions; and to paragraphs 133 to 140 of the General Survey, regarding the politically coercive effect of the mere possibility of forced labour being imposed in cases such as those mentioned here.

56. In 1998 the Committee addressed a direct request to the Government concerning the Discrimination (Employment and Occupation) Convention No. 111. The request dealt with certain provisions of the National Constitution, section 1(2) of the 1992 Labour Code, and the Conditions of Service for the Public Service (section 5 of Decree No. 74-138 of 18 February 1974) which did not cover all the criteria expressly mentioned by the Convention as prohibited grounds for discrimination in employment. Also it requested the Government to submit information on appeals lodged by persons who are justifiably suspected of, or engaged in, activities prejudicial to the security of the State (article 4 of the Convention) using the successive appeal procedures recognized in the Labour Code and by Order No. 72/6 of 26 August 1972 providing for the organization of the Supreme Court. The Committee also asked the Government to indicate in its future reports its national policy and general methods designed to promote equality of opportunity in respect of access to vocational training in general, including access to general education and in particular higher education. The Committee noted that the Government had set up a National Committee for Human Rights and Freedoms (CNDHL) by Presidential Decree No. 9P-1459 of 8 November 1990. Under section 2 of the Decree, one of the functions of the CNDHL is to defend and promote human rights and freedoms; the Committee would like to know if this includes the defence and promotion of equal rights in employment and, if this is the case, if the CNDHL has already taken action in this area. The Committee also asked for information on the role of the CNDHL in the promotion of equality of opportunity and treatment in respect of employment and occupation and on action undertaken by the Government and by the Association of Women Jurists, the Association for the Advancement of Women and the Association to Combat Violence against Women, to educate and inform the public on anti-discrimination policy.

57. In 1998 the Committee addressed a direct request to the Government concerning the Employment Policy Convention No. 122. It regretted that the Government's report replied only partly to its previous request and noted with concern that the Government indicated that, in an economic situation dominated by the negative impact of structural adjustment programmes on the labour market, no national policy on employment has been formulated or applied.

Article 7

Equal Remuneration

58. In its 1998 direct request concerning the Equal Remuneration Convention No. 100, the Committee asked the Government to supply statistics on jobs in which there is a heavy concentration of women and, particularly, on their earnings compared with those of men engaged in a job of equivalent value, in order to assess the nature and extent of any existing wage

inequalities. It also requested the Government to supply information on the measures taken or contemplated: (a) to ensure application of the principle of equal remuneration in the fields in which it can exercise direct or indirect influence on determining wages; (b) to promote application of the principle of equal remuneration in cases where the Government is excluded from the wage-setting machinery; and (c) to cooperate with the employers' and workers' organizations for the purpose of giving effect to the provisions of the Convention and of national legislation on the subject.

Safe and healthy working conditions

59. In its 1998 direct request concerning the Asbestos Convention No. 162, the Committee noted that section 3 of Act No. 89/027 of 29 December 1989 concerning toxic and hazardous wastes provides that local industry generating such waste are required to declare the volume and nature of production and ensure that its disposal is without risk to the population or the environment. The Committee requested the Government to inform it of any legislation issued concerning disposal of waste containing asbestos.

Article 8

60. In its 1998 observation concerning the Freedom of Association and Protection of the Right to Organize Convention No. 87, the Committee reiterated that (1) Act No. 68/LF/19 of 18 November 1968 subjecting the legal existence of a trade union or occupational association of public servants to the previous approval of the Minister for Territorial Administration, and (2) section 6 (2) of the 1992 Labour Code, under which persons forming a trade union that had not yet been registered and who act as if the said trade union has been registered shall be liable to prosecution, are not consistent with *article 2 of the Convention.*

61. In addition, the Committee on Freedom of Association had been apprised of cases where registration of trade unions of public servants has been refused, particularly in the teaching sector, and the ILO Conference Committee in June 1994 and June 1996 reminded the Government of the need to amend its legislation and practice in the very near future to ensure effective application of the Convention.

62. The Committee pointed out once again that section 19 of Decree No. 69/DF/7 of 6 January 1969 that provides that trade unions or occupational associations of public servants may not join a foreign occupational organization without obtaining prior approval from the Minister responsible for "supervising fundamental freedoms", is in contradiction with article 5 of the Convention which lays down that all occupational organizations shall have the right to affiliate freely with international organizations of workers and employers. The Committee urged once again the Government to take the necessary measures to abolish prior approval in order to bring the legislation into conformity with this article of the Convention.

63. In its 1998 observation concerning the Right to Organize and Collective Bargaining Convention No. 98, the Committee recalled that, since the adoption of the Labour Code in 1992, it had requested the Government to amend or repeal sections 6 (2) and 166 of the Labour Code which provides for the imposition of a fine ranging from 50,000 to 500,000 francs on the members of the administration or the management of a non-registered trade union which acts as

if the union were registered. In this respect, the Committee noted the Government's statement to the effect that an amendment of the Labour Code is envisaged to this effect. The Committee expressed the firm hope that the Government would take the necessary measures to repeal the provisions to ensure that the founders and leaders of trade unions being established enjoy adequate protection against acts designed to prejudice them by reason of their participation in trade union activities, which is contrary to the provisions of *article 1 of the Convention*.

64. The Committee of Experts furthermore addressed direct requests to the Government in 1997 on Conventions Nos. 3, 100, 111 and 122. In 1998 it addressed direct requests to the Government on Conventions Nos. 3, 13, 29, 33, 105, 131 and 132.

MEXICO

65. Information concerning Mexico has been supplied on several occasions, most recently in 1994.

66. The following relevant conventions have been ratified and are in force for Mexico (for full names see the list of conventions in part I above): 11, 12, 13, 14, 16, 17, 19, 26, 27, 29, 30, 42, 52, 58, 87, 90, 96, 99, 100, 102, 105, 106, 111, 112, 115, 118, 120, 123, 124, 131, 135, 140, 141, 142, 152, 155, 161, 167, 169, 170.

Article 6

67. In 1997 the Committee addressed a direct request to the Government concerning the Discrimination (Employment and Occupation) Convention No. 111 concerning a series of discriminatory employment practices against women as compared to men, in particular in *maquiladora* plants based on foreign capital, some of which require pregnancy tests as a condition of employment. Female workers appear to be subjected to compulsory pregnancy tests during employment and questions as to the means of contraception they use and their sexual habits; in cases where they prove to be pregnant, they are dismissed as a means of avoiding the costs, which would result from a pregnancy for the company concerned.

68. The Committee emphasized that such discriminatory practices against women are both offensive and contrary to human dignity. It requested the Government to inform it of the measures taken to investigate these allegations and, where necessary, to take action to end these kinds of practices wherever they may occur and to inform it of any progress made in eliminating such discriminatory treatment.

69. In its 1998 observation concerning the Indigenous and Tribal Peoples Convention No. 169, the Committee took note of the Government's substantial and detailed report and of the information supplied by the Authentic Labour Front (FAT) on a number of occasions. It also requested the Government to continue to provide information on the nature of the constitutional initiatives that had been submitted to the Federal Congress as a result of the broad-based process of consultation on the rights and participation of indigenous peoples launched by the Government, and on the stage which they had reached in the Federal Congress.

70. *Articles 8 to 12. Justice.* The Committee regretted the large number of indigenous people held in prison in Oaxaca without having been convicted and without legal assistance and interpreters. It requested the Government to continue to take the necessary measures to provide effective protection of and respect for the rights of indigenous people both in legislation and in practice, in accordance with the Convention.

71. *Articles 13 to 19. Land.* The Committee noted the report presented to the Governing Body of the ILO by a tripartite committee set up to examine a representation made by the Trade Union Delegation, D-III-53, section XI of the National Trade Union of Education Workers (SNTE), alleging non-observance by the Government of Mexico of certain provisions of the Convention regarding land of the Huicholes in the states of Nayarit and Jalisco. In this regard, the Committee requested the Government to inform it of measures taken or contemplated to provide redress for the situation of the Huicholes, who represent a minority in the area in question and have not been recognized in any agrarian census, measures which might include the adoption of special measures to safeguard the existence of these peoples as such and their way of life to the extent that they themselves wish to preserve it; and to provide information on the possible adoption of suitable measures to remedy the situation which has given rise to this representation, taking into account the possibility of allocating additional land to the Huichol people when their own land ceases to be sufficient to provide the essentials of a normal existence or for any possible increase in their numbers, in accordance with article 19 of the Convention.

72. The Committee also took note that another representation was presented under article 24 of the ILO Constitution by the Radical Trade Union of Metal and Associated Workers, alleging non-observance by the Government of Mexico of a number of Articles of the Convention. The Governing Body declared the representation receivable at its 273rd session (November 1998).

73. Further, the Committee noted that the FAT also alleged that the mining and logging activities of multinational companies in the Tarahumara range in the State of Chihuahua had caused deforestation and drought conditions and placed the survival of the Rarámuri people in jeopardy. Similarly, in the Chimalapas, in the state of Oaxaca, exploitation of natural resources in the region has affected indigenous communities and led to confrontations between them. The communication of the FAT made reference to the mega-project of the Tehuantepec isthmus which included the construction of a super highway and a "bullet train" railway and the development of 146 industrial projects, without any consultations with the indigenous peoples in the region on the social, spiritual, cultural and environmental impact of this project on the land and the people's way of life. The Committee also noted the detailed information provided by the Government concerning the legal situation of the Chimalapas, particularly the commitment to seek consensus-based solutions through measures adopted under an agrarian conciliation programme with the participation of all the indigenous groups and communities involved in the dispute. In this regard, the Committee requested the Government to keep it informed of any developments in the situation in the Chimalapas. As regards the mining and logging activities of multinational companies in the Tarahumara range and plans to develop the Tehuantepec isthmus, the Committee requested the Government to make full use of appropriate procedures for consulting the indigenous communities who may be affected by any development projects on their lands or by the award of any concessions for the exploitation of natural resources on lands belonging to or traditionally occupied by those peoples. The Committee requested the Government to provide detailed information in its next report on measures taken for this purpose.

74. *Article 20. Recruitment and conditions of employment.* The Committee took note of the report provided by the FAT entitled "Slavery in Mexico: Rural migrant workers ... their human rights", which described the situation of indigenous migrant workers, among others, recruited under the so-called "enganche" system through intermediaries who deceive the workers recruited and take a percentage of their wages. The socio-economic and cultural situation of indigenous peoples, according to the FAT, had forced them to migrate to the cities where they suffer discrimination and violations of their labour rights. The communication from the FAT stated that the day labourers are not informed about the use of the pesticides, which are used even by children below the age of 14 years and adolescents without any protection, resulting in cases of severe poisoning including a number of fatalities. Furthermore, wages paid to indigenous workers are lower than those paid to other workers and these workers have no access to timely medical care because the Social Security Act provides only for medical attention during the period of their employment, on condition that they present a "pass", which is in many cases difficult to obtain where a worker does not have a birth certificate and because control over passes by the employer has become another source of abuse. The Committee noted that according to the Government's report, a programme of legal training and information has been developed for migrant indigenous peoples in the states of Baja California, Sonora and Sinaloa, which have the greatest number of migrant agricultural workers of indigenous origin. The Committee also noted that the Government had established the National Programme for Agricultural Day Labourers (PRONJAG) to deal with problems in areas such as housing and environment, food and supplies, health and social security, education, culture and recreation, employment, training and productivity, and obtaining justice. This programme also included workshops for indigenous migrant workers on indigenous rights, in particular on the Convention. The Committee observed that the Government had not replied to the specific comments sent by the FAT on recruitment and conditions of employment of migrant workers.

75. In the light of the allegations, the Committee recalled that, under *article 20 of the Convention*, Governments are required to adopt special measures to ensure effective protection for indigenous peoples in the area of recruitment and conditions of work. The Convention also states that Governments must do everything possible to prevent any discrimination between workers that are members of indigenous peoples and other workers, in particular with regard to equal pay for work of equal value, medical care and health at work, and to ensure that workers belonging to the peoples in question are not required to work in conditions that are hazardous to health, in particular as a result of their exposure to pesticides or other toxic substances. In this regard, the Committee requested the Government to continue to keep it informed on the effect in practice of these measures, in particular with regard to protection of wages and maternity protection for indigenous agricultural day labourers, on measures taken or contemplated to prevent child labour among indigenous peoples and on medical services and the general conditions of employment of these migrant indigenous workers.

Article 7

Equal remuneration

76. In a 1998 request addressed directly to the Government concerning the Equal Remuneration Convention No. 100, the Committee - in light of the low participation of women in the workforce and the existing occupational segregation noted from the Government's report -

asked it to indicate the measures taken or contemplated to promote a greater participation of women in the public and private sector workforce, as well as measures taken or contemplated to reduce occupational segregation, particularly in the Public Federal Administration. The Committee also requested the Government to provide information on the percentages of women covered in the collective agreements provided, and to indicate their distribution in the different occupations and levels of employment in the relevant enterprises. It noted with interest the establishment and operation of a new system for registering and maintaining up-to-date data on the age, sex, salary and occupational level of public sector employees, which would permit an evaluation of the practical application of the principle of the Convention.

Article 8

77. In its 1998 observation concerning the Freedom of Association and Protection of the Right to Organize Convention No. 87, the Committee noted the Government's report and recalled that for many years it has been referring in its comments to the following provisions: trade union monopoly imposed by the Federal Act on State Employees and the Constitution: (i) the prohibition of the coexistence of two or more unions in the same State body; (ii) the prohibition of a trade unionist from leaving the union to which she or he belongs; (iii) the prohibition of the re-election of trade union officers; (iv) the prohibition of unions of public servants from joining trade union organizations of workers or rural workers; (v) the extension of the restrictions applicable to trade unions in general to the single Federation of Unions of Workers in the Service of the State; and (vi) the imposition by law of the trade union monopoly of the National Federation of Banking Unions. The Committee urged the Government to take the necessary measures as soon as possible to repeal or amend the relevant provisions of the Federal Act on State Employees and of the Constitution in order to bring the national legislation into conformity with the Convention.

78. The Committee noted that, within the framework of the tripartite social dialogue that the Government is promoting, a formal mechanism for dialogue had been established on possible amendments to the federal labour legislation and that the Committee of Experts would be informed of its results in due course. Nevertheless, the Committee regretted, once again that, despite the time that has elapsed since the ratification of the Convention in 1950 and the first comments of the Committee, the Government had made no reply on the matters raised or concerning the measures taken in practice to bring its legislation into conformity with the provisions of the Convention and the principles of freedom of association.

79. Regarding the *right of workers to elect their representatives in full freedom*, the Committee regretted to note that once again the Government had not provided its comments on section 372 (II) of the Federal Labour Act, which prohibits foreigners from being members of trade union executive bodies. The Committee, therefore, requested the Government once again to take measures to allow foreign workers to take up trade union office, at least after a reasonable period of residence in the country, or where reciprocity conditions exist, at least for a certain proportion of trade union leaders.

Article 9

80. In its 1998 observation concerning the Social Security (Minimum Standards) Convention No. 102, the Committee recalled that the new social security legislation associated the private sector with the achievement of the objectives pursued by social security. Subject to certain transitional measures, workers who are insured under the Mexican Social Security Institute had to open an individual account with a retirement fund administration company (AFORES) of their choice. This individual account receives the contributions paid by the worker, the employer and the State.

81. The Committee also recalled that the new Mexican social security system was the subject of a communication received in June 1997 from a group of workers' organizations which consider that the reform of the social security system is prejudicial to workers and their families and suppresses certain fundamental rights, including the guarantee of full health protection. It also hoped that the Government would provide the information necessary in response to the observations made by the above workers' organizations.

82. The Committee also requested information on the following points: level and duration of benefits: sickness benefit (article 16) and maternity benefit (article 50) of the Convention; old-age benefits (articles, 28, 29 and 30); employment injury benefit (article 36), invalidity benefit (articles 56 and 57) and survivors' benefit (articles 62 and 63); adjustment of benefits (articles 65, paragraph 10, and 66, paragraph 8); financing of benefits (article 71, paragraphs 1 and 2); administration and control of the social security system (articles 71, paragraph 3, and 72, paragraph 1); participation of protected persons in the administration of social security (article 72, paragraph 1) and coverage of the system (articles 9, 15, 27, 33, 48, 55 and 61, in relation to article 76 (b) (i)).

83. Finally, the Committee asked the Government to provide detailed information on the implementation of the transitional measures with regard to persons who are already insured under the Mexican Social Security Institute before the coming into force of the new Social Security Act.

Article 10

84. In its 1998 observation concerning the Night Work of Young Persons (Industry) Convention (Revised) No. 90, the Committee recalled that it has been commenting on the question of delimiting the night period ever since the ratification of the Convention. In the comments it had been making since 1972, the Committee had noted that under section 60 of the 1969 Federal Labour Act, work carried out between 8 p.m. and 6 a.m. shall be deemed to be night work. The term "night" used in this provision accordingly refers to a period of 10 consecutive hours. The Committee recalled that, under *article 2, paragraph 1, of the Convention*, the term "night" signifies a period of at least 12 consecutive hours. The Government has consistently stated that the legislation is not at variance with the Convention on this point and it was not planning to review the Federal Labour Act in the short term. The Committee again asked the Government to take the necessary measures to bring the Federal Labour Act into conformity with the Convention on this

point. In view of the fact that this situation had prevailed over a considerable period of time, the Committee suggested that the Government should consider making use of the technical assistance of the International Labour Office to resolve the matter.

85. The Committee of Experts furthermore addressed direct requests to the Government in 1997 on Conventions 16, 123 and 155. In 1998 it addressed direct requests to the Government on Conventions Nos. 87, 118, 131 and 169.

Notes

[1] Decisions of the Governing Body at its 201st session (November 1976) and at its 236th session (May 1987).

[2] Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in United Nations Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88 XIV.2), chapter XIV, section D.1. Further information can be found in a document submitted to the World Conference on Human Rights (A/CONF.157/PC/6/Add.3).

[3] There are, in addition, particularly for articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fisherman, dock workers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

[4] Available for consultation in the secretariat of the Committee on Economic, Social and Cultural Rights.

[5] Bulgaria has recently ratified Conventions Nos. 105 and 144, which are not yet in force for that country.

ANNEX

Index of countries and of relevant information supplied by the ILO since 1978

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Afghanistan	E/1986/60 E/1989/6 E/1990/9 E/1991/4	-	
Algeria	E/1995/127	-	
Argentina	E/1995/5 E/1999/27	E/1995/5 E/1999/27	
Australia	E/1979/33 E/1985/63	E/1981/41 E/1986/60	
Austria	E/1988/6 E/1994/5	E/1981/41 E/1987/59	
Azerbaijan			
Barbados	E/1982/41	E/1982/41	
Belgium	E/1994/63	E/1994/63	
Bulgaria	E/1980/35 E/1985/63 E/1998/17 E/1999/27	E/1983/40 E/1988/6 - E/1999/27	
Belarus, Republic of	E/1979/33 E/1985/63 E/1996/98	E/1981/41 E/1987/59 E/1996/98	
Cameroon	- E/1999/27	E/1988/6	
Canada	E/1982/41 E/1988/6 E/1989/6 E/1998/17	E/1994/5 -	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Central African Republic			
Chile	E/1979/33 E/1985/63	E/1981/41 E/1988/6	
Colombia	E/1979/33 E/1985/63 E/1995/127	E/1990/9	
Costa Rica	E/1990/9 E/1991/4	E/1990/9	
Cyprus	E/1979/33 E/1985/63	E/1981/41 E/1986/60 E/1989/6	
Czech and Slovak Federal Republic	E/1979/33 E/1986/60	E/1981/41 E/1987/59	
Denmark	E/1979/33 E/1985/63 E/1998/17	E/1981/41 E/1987/59 -	
Dominican Republic	E/1990/9 E/1991/4 E/1995/127 E/1996/98	E/1990/9 E/1991/4 -	
Ecuador	E/1978/27 E/1985/63	E/1990/90 E/1991/4	
El Salvador	E/1996/40	-	
Finland	E/1979/33 E/1985/63 E/1996/98	E/1981/41 E/1986/60 -	E/1996/98
France	E/1986/60	E/1989/6	
German Democratic Republic	E/1978/27 E/1985/63	E/1981/41 E/1987/59	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Germany, Federal Republic of	E/1979/33 E/1986/60	E/1981/41 E/1987/59	
Guatemala	E/1995/127 E/1996/40	-	
Guinea	E/1996/40	-	
Guyana	E/1995/127	-	
Honduras	E/1996/98	-	E/1996/98
Hungary	E/1978/27 E/1985/63	E/1986/60	
Iceland	E/1994/5 E/1998/17	- -	
India	E/1986/60	-	
Iran, Islamic Republic of	E/1978/27	E/1994/5	
Iraq	E/1985/63	E/1981/41 E/1986/60	
Israel	E/1998/17	E/1998/17	
Italy	E/1982/41	-	
Jamaica	E/1980/35 E/1989/6	E/1989/6	
Japan	E/1985/63	E/1987/59	
Jordan	E/1987/59	E/1987/59	
Kenya	E/1994/63	E/1994/63	
Libyan Arab Jamahiriya	E/1996/98	E/1996/98	
Luxembourg	E/1990/9	E/1990/9	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Madagascar	E/1981/41 E/1985/63	E/1986/60	
Mauritius	E/1995/127	-	
Mexico	E/1985/63 E/1994/5 E/1999/27	E/1990/9 E/1994/5 E/1999/27	
Mongolia	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Morocco	E/1994/63	E/1994/63	
Netherlands	E/1989/6 E/1998/17	E/1989/6 -	
Netherlands (Antilles)	E/1987/59	-	
Netherlands (Aruba)	E/1998/17		
New Zealand	E/1994/5	-	
Nicaragua	E/1986/60	E/1994/5	
Nigeria	E/1997/ E/1998/17	E/1997/ E/1998/17	
Norway	E/1979/33 E/1985/63 E/1995/127	E/1981/41 E/1988/6	
Panama	E/1988/6 E/1989/6 E/1990/9 E/1991/4 E/1992/4	E/1981/41 E/1988/6 E/1989/6 E/1991/4	
Paraguay	E/1996/40	-	
Peru	E/1985/63	-	
Philippines	E/1978/27 E/1985/63	-	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Poland	E/1979/33 E/1986/60 - E/1998/17	E/1981/41 E/1987/59 E/1989/6 E/1998/17	
Portugal	E/1996/98	E/1996/98	E/1996/98
Romania	E/1979/33 E/1985/63	E/1981/41 E/1988/6	
Russian Federation	-	-	
Rwanda	E/1985/63 E/1989/6	E/1986/60	
Saint Vincent and the Grenadines	-	-	
Senegal	E/1994/5	E/1981/41	
Solomon Islands	-	-	
Spain	E/1980/35 E/1985/63 E/1996/40	E/1982/41 E/1986/60 E/1996/40	
Sri Lanka	E/1998/17	E/1998/17	
Suriname	E/1995/5	E/1995/5	
Sweden	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Syrian Arab Republic	E/1980/35 E/1990/9 E/1992/4	E/1981/41 E/1990/9	
Tanzania	-	E/1981/41	
Trinidad and Tobago	E/1989/6	E/1989/6	
Tunisia	E/1978/27 - E/1998/17	E/1988/6 E/1989/6 -	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Ukrainian SSR	E/1979/33 E/1985/63	E/1982/41 E/1986/60	
Ukraine	E/1995/127	-	
United Kingdom	E/1978/27 E/1985/63	E/1981/41 E/1991/4 E/1995/5	
United Kingdom (Non-metropolitan territories)	E/1979/33 E/1996/98	E/1982/41 E/1985/63	
Uruguay	E/1994/5 E/1994/63	E/1994/63	
USSR	E/1979/33 E/1985/63	E/1981/41 E/1987/59	
Venezuela	E/1985/63	E/1986/60	
Viet Nam	E/1994/5	-	
Yemen	E/1990/9 E/1991/4	E/1990/9 E/1991/4	
Yugoslavia	E/1983/40 E/1985/63	E/1983/40	
Zaire	E/1988/6	E/1988/6	
Zambia	-	E/1986/60	
Zimbabwe	-	-	